

Washington, Tuesday, September 22, 1953

#### TITLE 3—THE PRESIDENT **EXECUTIVE ORDER 10487**

PROVIDING FOR THE ADMINISTRATION OF THE REFUGEE RELIEF ACT OF 1953

By virtue of the authority vested in me by the Constitution and statutes, including section 11 (a) of the Refugee Relief Act of 1953 (Public Law 203, 83d Congress, approved August 7, 1953) and as President of the United States, it is hereby ordered as follows:

Section 1. The Department of State is designated as the agency of the Government of the United States which shall, subject to the provisions of section 2 hereof, make or prepare the thorough investigations and written reports required by section 11 (a) of the said Refugee Relief Act of 1953, regarding the character, reputation, mental and physical health, history, and eligibility under the said act, of persons seeking admission into the United States under the act.

Sec. 2. The Department of the Army and such other agencies of the Government as the Department of State may request shall, in accordance with arrangements agreed upon between the Department of State and any such agency, furnish the Department of State such assistance as it may need in carrying out its responsibilities under section 1 of this order.

Sec. 3. The funds appropriated under the heading "Emergency Migration" appearing in Chapter VII of the Supplemental Appropriation Act, 1954 (Public Law 207, 83d Congress, approved August 7, 1953) are hereby transferred to the Department of State. The Secretary of State may allocate to agencies other than the Department of State such portions of the transferred funds as he shall determine.

SEC. 4. The Director of the Bureau of the Budget is authorized and empowered to exercise the authority conferred upon the President by the paragraph appearing under the aforesaid heading "Emergency Migration" to transfer not to exceed sixty-five passenger motor vehicles,

without reimbursement, to carry out the migration program authorized by the said Refugee Relief Act of 1953.

Sec. 5. The Secretary of State shall promulgate the regulations provided for in section 7 (a) of the said Refugee Relief Act of 1953.

Sec. 6. The Secretary of the Treasury shall promulgate the rules and regulations provided for in section 16 of the said Refugee Relief Act of 1953.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE. September 16, 1953.

[F. R. Doc. 53-8173; Filed, Sept. 18, 1953; 3:44 p. m.]

#### TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

TEMPORARY RENEWABLE APPOINTMENT

Section 2.114 (j) is amended to read as follows:

§ 2.114 Temporary appointment. \* \* \* (j) Temporary renewable appointment. Any person who is eligible and selected for appointment or reappointment to a continuing position under any regulation of the Commission and who enters on duty on or after his seventieth birthday shall be given a temporary appointment under the authority of this paragraph for a period of not to exceed one year. An annuitant under the Civil Service Retirement Act, who has reached his sixtleth birthday but has not reached his seventieth birthday, may, if otherwise eligible, be given a temporary appointment under the authority of this paragraph for a period of not to exceed one year. Any person who is serving under this authority and who would otherwise be eligible under any regulation of the Commission for promotion, demotion, reassignment or transfer may be given a new appointment by any (Continued on p. 5637)

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agency in lieu of such noncompetitive action under the authority of this paragraph. Temporary appointments under this paragraph may be renewed for additional successive one-year periods at the discretion of the apointing officer without prior approval of the Civil Service Commission. Persons appointed under the authority of this paragraph do not thereby acquire a competitive civil-service status.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-8115; Filed, Sept. 21, 1953; 8:46 a. m.]

## PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 7—NONCOMPETITIVE INDEFINITE AP-POINTMENT OF FORMER EMPLOYEES AND INDEFINITE EMPLOYEES OF OTHER AGEN-CIES; AND PROMOTION, DEMOTION, AND REASSIGNMENT OF INDEFINITE EMPLOY-EES

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SYSTEM

#### MISCELLANEOUS AMENDMENTS

The amendments set out below have resulted from the approval of the act of August 14, 1953 (P. L. 271, 83d Cong.) which amended the Veterans' Preference Act of 1944. They are effective October 13, 1953, the effective date of the statute.

1. Section 2.102 (a) is amended to read as follows:

§ 2.102 Competition restricted to veterans. (a) Competition in examinations for the following positions is restricted by law to veterans as long as they are available: Guard, elevator operator, messenger, custodian, and until December 31, 1954, apprentices. It shall be the responsibility of each agency to restrict competition to veterans whenever, under delegated authority, it makes appointments to these positions.

2. Section 2.106 is amended to read as follows:

§ 2.106 Competitive rating. The subjects in examination shall be given such relative weights as the Commission may prescribe. A scale of 100 shall be used and all competitors who meet the minimum entrance requirements and are rated 70 or more shall be eligible for appointment.

3. Paragraphs (c) (2) and (e) (2) of § 2.107 are amended to read as follows:

§ 2.107 Eligible registers. \* \* \* (c) \* \* \*

(2) Persons who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph, shall have their names entered at the top of the appropriate group on the successor register if another person standing lower on the register on

which their names formerly appeared was given a probational appointment from such register. For the purpose of determining the appropriate group, all 10-point veterans who have a compensable service-connected disability of 10 percent or more (including such restored veterans) will be considered as one group, and all other eligibles (including other such restored veterans) as another group. However, for professional and scientific positions in grades GS-9 and above, all eligibles will be considered as one group.

(e) \* \* \*

(2) Veterans who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names entered at the top of the appropriate group on the successor register, if another eligible standing lower on the register on which their names formerly appeared was given a probational or an indefinite appointment from such register. For the purpose of determining the appropriate group, all 10-point veterans who have a compensable service-connected disability of 10 percent or more (including such restored veterans) will be considered as one group, and all other eligibles (including other such restored veterans) as another group. However, for professional and scientific positions in grades GS-9 and above, all eligibles will be considered as one group.

4. Paragraph (b) (5) of § 2.111 is amended to read as follows:

§ 2.111 Selection for appointment.

(b) \* \* \*

(5) If the reasons are still insufficient, the nonveteran tentatively selected may not be legally appointed until the appointing officer has accepted the Commission's determination, has fully reconsidered the veteran, and has so certified in writing.

5. Paragraph (b) of § 2.114 is amended to read as follows:

§ 2.114 Temporary appointment.

(b) Job employment. When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment for job employment may be made, with the prior approval of the Commission, for a period not to exceed one year. Such appointments, when made for a period of less than one year, may be extended without further approval of the Commission for a period or periods not extending beyond one year from the date of original appointment. Any person eligible for indefinite appointment under § 7.105 (a) of this chapter, or any person eligible to transfer to another agency under § 8.103 of this chapter, may be noncompetitively selected for job employment without regard to registers of eligibles or prior approval of the Commission. Whenever there are insufficient available eligibles on registers, in making appointments under this paragraph agencies shall (1) give preference first to 10-point veterans who have a compensable service-connected disability of 10 percent or more (not applicable for professional and scientific positions in grades GS-9 and above) second to other 10-point veterans, and third to 5-point veterans; and (2) obtain a decision from the Commission whenever it is necessary to determine whether any applicant is disqualified because of physical unfitness. Appointments under this authority shall be subject to the restrictions of § 8.109 of this chapter.

6. Paragraph (b) of § 2.115 is amended to read as follows:

§ 2.115 Indefinite appointment. \* \* \* (b) Special requirements when appointments are made in absence of eligibles. Whenever there are insufficient available eligibles on registers, in making appointments under this section agencies shall (1) give preference first to 10-point veterans who have compensable serviceconnected disability of 10 percent or more (not applicable to professional and scientific positions in grades GS-9 and above) second to other 10-point veterans, and third to 5-point veterans; and (2) obtain a decision from the Commission whenever it is necessary to determine whether any applicant is disqualified because of physical unfitness. In making appointments under this authority the restrictions of § 8.109 of this chapter must be observed.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

7. Paragraph (a) (2) (i) of § 7.105 is amended to read as follows:

§ 7.105 Agency authority and general requirements for noncompetitive indefinite appointments. (a) • • •

(2) (i) Any former Federal employee without competitive status may be appointed in a defense activity, provided his former employment was under an indefinite appointment during which he obtained such specialized experience as is needed to perform the duties of the position to which his appointment is proposed: Provided, That in making such appointments agencies shall give preference first to all 10-point preference applicants who have a compensable service connected disability of 10 percent or more, both status and nonstatus (not applicable to professional and scientific positions in grades GS-9 and above) second to all other 10-point preference applicants, both status and nonstatus, and third to all 5-point preference applicants, both status and nonstatus, having such specialized experience.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

8. Paragraph (a) of § 21.5 is amended to read as follows:

§ 21.5 Examination of applicants—
(a) Rating. (1) The agency may provide for an evaluation of the qualifications of all applicants for a position, who are available under §§ 21.3 and 21.4 at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall

be eligible for appointment: Provided. That no numerical ratings need be assigned whenever all qualified applicants will be offered immediate appointment: Provided further That whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable length of time need be given numerical ratings; in such cases the agency shall adopt procedures which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings. To the earned numerical ratings of applicants who make a passing grade and who are entitled to five-point preference, five points shall be added and to the earned numerical ratings of applicants who make a passing grade and who are entitled to ten-point preference, ten points shall be added. A notice of the rating assigned shall be furnished upon request.

- (2) No consideration shall be given the application of any non-preference applicant, nor shall such application be rated, for the positions of elevator operator, messenger, guard, custodian, and until December 31, 1954, apprentices as long as qualified applicants entitled to preference are available for such positions.
- (3) Whenever experience is a factor in determining eligibility, an applicant entitled to five-point or ten-point preference under the regulations in this part shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.
- 9. Paragraphs (a) and (d) of § 21.6 are amended to read as follows:
- § 21.6 Maintenance of employment lists—(a) Establishment of lists. All applicants assigned eligible numerical rating in accordance with § 21.5 shall have their names entered on either (1) the appropriate reemployment list or (2) the appropriate regular employment list. The names of all such applicants shall be entered on said lists in accordance with their ratings, except that the names of applicants entitled to five- or tenpoint preference under the regulations in this part shall be entered on such lists in accordance with their respective augmented ratings, and the name of a preference applicant shall be entered ahead of all others having the same rating: Provided, That except on lists of applicants for professional and scientific positions in grades GS-9 and above. the names of applicants entitled to ten-point preference under the regulations in this part and who have a compensable service-connected disability of 10 percent or more shall be placed at the top of the appropriate lists.

- (d) Order of consideration. (1) The names of all applicants who are assigned eligible numerical ratings for a given position shall, except as provided below for professional and scientific positions in grades GS-9 and above, be considered either in Order A or in Order B, below.
- (i) Order A.

  (a) The names of qualified applicants who have a compensable service-connected disability of 10 percent or more and who are entitled to ten-point preference under the regulations in this part whose names appear on the agency remployment list, in the order of their numerical ratings.
- (b) The names of all other qualified applicants who have a compensable service-connected disability of 10 percent or more and who are entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.
- (c) The names of all other qualified applicants on the agency's reemployment lists in the order of their numerical ratings.
- (d) The names of all other qualified applicants in the order of their numerical ratings.
  - (ii) Order B:
- (a) The names of qualified applicants who have a compensable service-connected disability of 10 percent or more and who are entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.
- (b) The names of all other qualified applicants on the agency's reemployment list, in the order of their numerical ratings.
- (c) The names of all other qualified applicants who have a compensable service-connected disability of 10% or more and who are entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.
- (d) The names of all other qualified applicants, in the order of their numerical ratings.
- (2) The names of all applicants assigned, numerical eligible ratings for professional and scientific positions at grades GS-9 and above, shall be considered in the following order.
- (i) The names of applicants on the agency's reemployment list, in the order of their numerical ratings.
- (ii) The names of all other applicants, in the order of their numerical ratings.

(Sec. 11, 58 Stat. 390; 5 U.S. C. 860)

United States Civil Service Commission,

[SEAL] WM. C. HULL, Executive Assistant.

[F. R. Doc. 53-8134; Filed, Sept. 21, 1953; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### DEPARTMENT OF AGRICULTURE

Federal Register Document 53-7723, which was published in the Federal

REGISTER on September 4, 1953 (18 F R. 5359) is corrected to read as follows:

Effective upon publication in the Federal Register, paragraph (b) (1) is added to § 6.111 as follows:

## § 6.111 Department of Agriculture.

(b) Office of the Secretary. (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans. This authority will expire June 30, 1955 and no individual appointments will extend beyond that time.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

United States Civil Service Commission,

[SEAL] WM. C. HULL, Executive Assistant,

[F. R. Doc. 53-8114; Filed, Sept. 21, 1953; 8:46 a. m.]

#### TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

SUBJECT-ORDER REGULATING HANDLING

Sec. 914.0 Findings and determinations.

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AUTHORITY: §§ 914.0 to 914.90 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 914.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.) and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900) a public hearing was held at Los Angeles, California, beginning on April 27, 1953, upon a proposed marketmg agreement and a proposed marketing order regulating the handling of navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the

act;
(2) The said order

(2) The said order regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of navel oranges covered thereby and

(5) All handling of navel oranges, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) Additional findings. It is hereby found and determined on the basis heremafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U.S. C. 1001 et seq.). As soon as practical after such effective date, it will be necessary to establish the Navel Orange Administrative Committee, the agency charged with the administration of this program, and for the Navel Orange Administrative Committee and the Secretary to initiate and complete various actions of both organizational and regulatory natures. Considerable time will be required to complete such actions. It will be necessary for the Administrative Committee and the Secretary to initiate and effect rules and regulations to be in effect not later than the beginning of the handling season which normally starts early in November, so as to facilitate, promote, and maintain orderly marketing conditions with respect to navel oranges covered herein and thereby permit the benefits of this regulatory program to be available to producers and handlers as soon as practicable. Moreover, the time during which such actions will be concluded should be such that handlers will receive such notice as will enable them reasonably and adequately to prepare for such regulation. The provisions of the order are well known to the handlers of navel oranges, since the public hearing in connection with the entire order was concluded May 4. 1953, and the recommended decision and final decision were published in the Fen-ERAL REGISTER on July 9, 1953 (18 F R. 4010) and August 8, 1953 (18 F. R. 4708), respectively. All known interested parties have received copies of the regulatory provisions and compliance with such provisions will not require advanced preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) Determinations. It is hereby determined that:

(1) A marketing agreement regulating the handling of navel oranges grown in Arizona and designated part of California, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping navel oranges covered by this order) who during the period November 1, 1952, through July 15, 1953, handled not less than 80 percent of the volume of navel oranges covered by this order;

(2) The issuance of this order is favored or approved by at least three-fourths of the producers who particlpated in a referendum on the question of its approval and who, during the determined representative period (November 1, 1952, through July 15, 1953), were

engaged, within Arizona and designated part of California, in the production for market of navel oranges; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of navel oranges represented in such referendum and produced within Arizona and designated part of California for market.

Order relative to handling. It is, therefore, ordered that, on and after the effective date hereof, the handling of navel oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of said order and the terms and conditions of said order are as follows:

#### DEFINITIONS

§ 914.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 914.2 Act. "Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; "U. S. C. 601 et seq.).

§ 914.3 Person. "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 914.4 Production area. "Production area" m;ans the State of Arizona and that part of the State of California south of the 37th Parallel.

§ 914.5 Oranges. "Oranges" means those oranges belonging to the genus Citrus, species sinensis (Linnaeus) Osbeck, and characterized by being seedless and having a navel at the apex, commonly known as navels, and which are grown in the production area.

§ 914.6 Fiscal year. "Fiscal year" means the twelve-month period ending October 31 of each year.

§ 914.7 Committee. "Committee" means the Navel Orange Administrative Committee established pursuant to § 914.20.

§ 914.8 Grower and producer "Grower" and "producer" are synonymous and mean any person who produces oranges for market

§ 914.9 Handler. "Handler" means any person who handles oranges.

§ 914.10 Handle. "Handle" means to buy, cell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person) or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental

United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of oranges on the tree; (b) the transportation of oranges to a packinghouse for the purpose of having such oranges prepared for market and such preparation for market; (c) the storage of oranges within the production area under such rules and regulations as the committee, with the approval of the Secretary may prescribe; or (d) the sale of oranges at retail by a person in his capacity as such retailer.

§ 914.11 Oranges available for current shipment. "Oranges available for current shipment" means all oranges as measured by the total tree crop.

§ 914.12 Tree crop. "Tree crop" means the total quantity of oranges on the trees as determined by the committee.

§ 914.13 Early maturity oranges. "Early maturity oranges" means any oranges that have reached maturity, as measured by applicable State laws, in advance of general maturity in the same prorate district.

§ 914.14 General maturity. "General maturity" shall have been reached in any prorate district at such time as the committee determines that allotment shall be distributed to all handlers in such prorate district.

§ 914.15 Box. "Box" means a standard two-compartment orange box, as defined in section 828.83 of the Agricultural Code of California, of a capacity of approximately 77 pounds of oranges, or the equivalent thereof.

§ 914.16 Central marketing organization. "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

§ 914.17 Carload. "Carload" means a quantity of oranges equivalent to 462 packed boxes of oranges.

§ 914.18 Export. "Export" means shipments of oranges to points outside the continental United States, Canada, and Alaska.

#### ADMINISTRATIVE BODY

§ 914.20 Establishment and membership. There is hereby established a Navel Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and whoshall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in paragraph (f) of § 914.22. The six members of the committee who shall be growers and who

shall not be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

§ 914.21 Term of office. The term of office of each initial member and alternate member of the committee shall begin on October 1, 1953, and shall terminate on October 31, 1954. The term of office of each subsequent member and alternate member of the committee shall be for a period of two years, and such terms shall begin on November 1 of each even-numbered year Provided, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 914.22 Nominations. (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate not less than six growers for three grower members; not less than six growers for three alternate grower members; not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two handler members; and not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two alternate handler members of the committee.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate not less than two growers for one grower member: not less than two growers for one alternate grower member: not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate handler member of the committee.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate not less than four growers for two grower members; not less than four growers for two alternate grower members; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees

of central marketing organizations, or any combination thereof, for one alternate handler member of the committee.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the fiscal year in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 914.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler) or of a central marketing organization.

§ 914.23 Selection. From the nominations made pursuant to § 914.22 (b) the Secretary shall select three grower members of the committee and an alternate to each of such grower members: also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 914.22 (c) the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (d) the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (f) the Scoretary shall select one member of the committee and an alternate to such member.

§ 914.24 Failure to nominate. If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 914.22 (a), the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 914.23.

§ 914.25 Acceptance. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 914.26 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by

the Secretary from nominations made in the manner specified in § 914.22. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for m § 914.23.

§ 914.27 Alternate members. An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate. shall act in the place and stead of such member: Provided, That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified:

§ 914.28 Powers. committee The shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To make and adopt rules and regulations to effectuate the terms and provisions of this part:
- (c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.
- § 914.29 Duties. The committee shall have the following duties:
- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each:
- (c) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary.

- (e) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;
- (f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;
- (g) To act as intermediary between the Secretary and any grower or, handler:
- (h) To provide an adequate system for determining the total quantity of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem

necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(j) To submit to the Secretary such available information, including verified reports, as he may request;

(k) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

- (1) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: Provided, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;
- (m) To investigate compliance with the provisions of this part.
- § 914.30 Procedure. (a) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes.
- (b) The committee may vote by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: Provided, That if an assembled meeting is held, all votes shall be cast in person.
- § 914.31 Expenses and compensation. The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10 per day or portion thereof spent in performing such duties.
- § 914.32 Annual review and meeting. The committee shall, prior to June 15 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least: (a) A complete review, by prorate districts, of the regulatory operations during the fiscal year, as conducted under the marketing policy established pursuant to § 914.50 (a), (b) an appraisal of the effect of such regulatory operations upon the competitive status of the navel orange industry. (c) recommendations for changes in the program; and (d) notice of the time and place of an open meeting, to be held prior to July 1, to review the whole record of the operations of this part.

#### EXPENSES AND ASSESSMENTS

§ 914.40 Expenses. The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year: Provided, That expenses incurred by the committee prior to November 1, 1953, shall be paid from funds collected under the provisions of § 914.41 during the fiscal year beginning November 1, 1953.

§ 914.41 Assessments. (a) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance. and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

(c) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under this section.

§ 914.42 Accounting. (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: Provided, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

#### REGULATION

§ 914.50 Marketing policy. (a) Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (1) The available

crop of oranges in the prorate district, including estimated quality and composition of sizes; (2) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) available supplies of competitive oranges in all producing areas of the United States; (5) level and trend of consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give notice to growers by publication of notice of such meetings in such newspapers as they deem appropriate and shall advise all-handlers by mail of such meetings.

- (c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.
- § 914.51 Recommendations for volume (a) The committee may regulation. recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.
- (b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for oranges, including market prices by grades and sizes; (2) supply of oranges on track at, and enroute to, the principal markets; (3) supply maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (4) market prices and supplies of citrus fruits from Califorma, Arizona, and competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income: and (6) other relevant factors.
- (c) At any time during a week for which the Secretary, pursuant to § 914.52, has fixed the quantity of oranges which may be handled, the committee may, if such action is deemed

advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 914.52 Issuance of volume regulation. Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled in each prorate district during a specified week will tend Lo effectuate the declared policy of the act, he shall fix such quantity. The quantity so fixed may be increased by the Secretary at any time during such

§ 914.53 Prorate bases. (a) Each person who has oranges available for current shipment shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as pro-

vided in this part.

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (3) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(c) Such application shall include only such oranges available for current shipment which the applicant controls (1) by a bona fide written contract giving the applicant authority to handle such oranges, or (2) by having legal title or possession thereof, or (3) by having executed a bona fide written agreement to purchase such oranges. If an applicant controls oranges pursuant to subparagraph (1) or (3) of this paragraph, he shall submit a copy of each type of such contract to the committee, together with a statement that no other types of contracts are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by -paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon form's made available by it, which report shall be verified in such manner as the committee may require.

(e) If any person gains or loses control of oranges as required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is de-

termined by the committee that any person who has lost control of oranges as required by paragraph (c) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season the committee shall compute the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments in each prorate district, and shall transmit a report thereon to the Secretary. Such report shall constitute the basis for a recommendation by the committee for a prorate base for each such person. Such computations and reports shall be prepared and submitted prior to the time when the recommended prorate bases are to become applicable.

(h) Upon the basis of the recommendations and reports of the committee, or from other available information, the Secretary shall fix a prorate base for each person who is entitled thereto in each prorate district. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in each such district by each person and the total quantity of oranges available for current shipments in each such district by all such persons. The Secretary shall notify the committee of the prorate base fixed for each person and the committee shall notify each such person of the prorate base fixed for him.

§ 914.54 Allotments. Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, and has fixed prorate bases for persons entitled thereto, the committee shall calculate the quantity of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of each such person and shall be in an amount equivalent to the product of the prorate base for each such person in each such prorate district and the total quantity of oranges grown in each such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

§ 914.55 Overshipments. During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person when not required to reduce the quantity of oranges which he may handle during such week, as provided in this section, or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or 462 packed boxes of oranges or the equivalent thereof, which-ever is greater. The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to each such person until such excess has been entirely offset: Provided, That no overshipment incurred during one season shall be deducted from allotments issued during the following season. The provisions of this section shall not apply to any person who, during any week, has not received an allotment under this subpart for such week.

§ 914.56 Undershipments. If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 914.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment.

§ 914.57 Allotment loans. (a) A person to whom allotments have been issued, whether under the provisions of early maturity, short life, or general maturity, may lend such allotments to other persons within the same prorate district to whom allotments have also been issued: Provided, That allotments issued under the short life provisions of this subpart may be loaned only to other persons to whom such allotments have also been issued. Such loans shall be confirmed to the committee by both parties thereto within 48 hours after any such agreement has been entered into, and such agreements shall include a date for the repayment of such allotments to the lender during the then current marketing season. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: Provided, That no loans made during one season shall be required to be repaid from allotments issued during the following season.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(c) An allotment shall be loaned, pursuant to paragraph (a) of this section, for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

§ 914.58 Assignment of allotment certificates. In connection with all handling of oranges other than shipments by rail car, each handler who first handles oranges shall at the time of handling issue to the consignee thereof, or his agent, an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of the allotment certificate shall be on such forms and shall be issued in such manner as prescribed by the committee and shall contain such information as the committee may require.

§ 914.59 Priority of allotments. During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (a) an undershipment of an allotment, pursuant to § 914.56; or (b) the repayment of a loaned allotment, pursuant to § 914.57; or (c) a borrowed allotment, pursuant to § 914.57, and such person handles a quantity of oranges which is less than the total quantity of such oranges which such person may handle during such week, the amount of such oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to § 914.55 or § 914.57). The remainder, if any, shall be applied in the following order: second, to any undershipment of allotments, pursuant to § 914.56; third, to any allotment repaid to him, pursuant to § 914.57; fourth, to any allotment borrowed, pursuant to § 914.57.

§ 914.60 Early maturity allotments. Notwithstanding the provisions of § 914.54 the committee may, prior to the reaching of general maturity, issue special allotments for the handling of oranges of early maturity. Handlers controlling oranges of early maturity may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 914.51 (b) the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee for each prorate district shall be distributed to all handlers who qual-

ify therefor in proportion to the quantity requested by each handler in his application: Provided, however, That early maturity allotments issued to any handler prior to the reaching of general maturity shall not permit the handling of a larger share of the oranges available for current shipment controlled by such handler than the share of oranges available for current shipment in the prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early maturity allotments may be loaned only to handlers to whom early maturity allotments have been granted. Upon the reaching of general maturity, allotments issued for early maturity oranges shall be offset or repaid by reducing the oranges available for current shipment of each handler who has received early maturity allotments by the quantity of oranges for which early maturity allotments were issued to him, plus his proportionate share of the quantity of oranges that will be used for by-products or elimination in his prorate district. Such proportionate share shall be based upon the utilization schedule established by the committee at the beginning of the season. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

§ 914.61 Short life allotments. Notwithstanding the provisions of § 914.54 the committee shall withhold from the allotment of handlers on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of short life to handle during the normal marketing period of such short life oranges as large a proportion of oranges as the average which will be handled by all handlers. Handlers controlling oranges of short life may apply for such withheld allotment. and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions of this section and pursuant to such determination shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately than the average allotment to be issued to all handlers of oranges. After a handler of short life oranges has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of oranges, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld. Short life allotments may be used only

in the handling of short life oranges. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments withheld, issued, and allocated, and averages computed under this part shall be on a prorate district basis.

§ 914.62 Information to central marketing organizations. The committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler.

§ 914.63 Recommendations for size regulation. (a) Whenever the committee finds that the supply and demand conditions for sizes of oranges make it advisable to regulate the handling of sizes of oranges during any period, it shall recommend to the Secretary the sizes of oranges grown in each prorate district which it deems advisable to be handled during said period. Any such recommendation may include a proposal that the handling of oranges shipped to Canada shall be subject to size regulation different from the proposed size regulation applicable to the handling of other shipments of oranges. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 914.51 (b)

§ 914.64 Issuance of size regulation. Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. Any such regulation may provide that the handling of oranges shipped to Canada shall be subject to size regulation different from the size regulation applicable to the handling of other shipments of oranges. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 914.65 Exemptions from size regulation. In the event oranges are regulated pursuant to § 914.64, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of oranges handled as the average proportion of oranges which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his oranges equal to the percentage determined as aforesaid. Shipments of oranges under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 914.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by oranges covered by such certificates.

§ 914.66 Prorate districts. For purposes of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided in four prorate districts as follows:

(a) District 1 shall include that portion of the State of California between the 35th Parallel and the 37th Parallel, but shall exclude that portion of Kern County situated south of the Kern River.

(b) District 2 shall include that portion of the State of California which is south of the 35th Parallel, but shall exclude Imperial County and that portion of Riverside County, California, situated south and east of White Water, California.

(c) District 3 shall include the State of Arizona, Imperial County, California, and that portion of Riverside County, California, situated south and east of White Water, California.

(d) District 4 shall include that portion of Kern County, California, situated south of the Kern River.

§ 914.67 Oranges not subject to regulation. Except as otherwise provided in this section nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for commercial processing into products, including juice; (c) for export; (d) for shipment by parcel post or by express; or (e) in such minimum quantities or type of shipments as the committee may, with the approval of the Secretary, prescribe. No assessment shall be levied pursuant to § 914.41 on oranges disposed of for the purposes specified in this section. The committee shall prescribe. with the approval of the Secretary, such rules, regulations, and safeguards as it may deem necessary to prevent oranges shipped under the provisions of this section from entering into commercial channels of trade contrary to or in violation of this subpart.

#### REPORTS

§ 914.70 Weekly report. On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products,

showing the identity of each by-products processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, and shipments by parcel post or express, showing the destination and quantity of each such shipment; and (e) the total quantity disposed of otherwise, showing manner and quantity of each such disposition.

§ 914.71 Manifest report. Each handler shall furnish to the committee information regarding the size of oranges in each standard packed box or its equivalent handled by such handler whether such shipments were destined to points in the United States and Alaska or to Canada and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 914.72 Other reports. Upon request of the committee, made with the approval of the Secretary, every person subject to regulation under this part shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties under this part.

#### MISCELLANEOUS PROVISIONS

§ 914.80 Compliance. Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 914.52 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 914.81 Right of the Secretary. The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and vold. except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. the committee, for any reason, fails to perform its duties or exercise its powers under this part, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 914.82 Effective time. The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until termi-

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nated in one of the ways specified in such person as the Secretary may direct; § 914.83.

§ 914.83 Termination. (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) (1) The Secretary shall terminate the provisions of this part at the end of any fiscal year, whenever he finds that continuance is not favored by producers; but such termination shall be effected only if announced on or before October 15 of the then current fiscal year.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing agreement and order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approval by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged, within the production area, in the production of navel oranges for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of navel oranges produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of navel oranges produced for market, as the case may be, represented in such referendum. the percentage favoring continuance is equal to or in excess of the percentage required.

(3) The Secretary shall, during the 1954-55 fiscal year and prior to September 15, 1955, conduct a referendum to ascertain whether continuance of this part/is favored by the producers. The Secretary shall conduct such a referendum prior to September 15 of each odd-numbered year thereafter.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them

cease to be in effect.

§ 914.84 Proceedings after termination. (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to

such person as the Secretary may direct; and (3) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 914.85 Effect of termination or amendment. Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation

§ 914.86 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 914.87 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 914.88 Derogation. Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 914.89 Personal liability. No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 914.90 Separability. If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D. C., this 16th day of September 1953, to be, and become, effective upon the date of publication in the Federal Register.

[SEAL] JOHN H. DAVIS, Assistant Secretary of Agriculture.

[F. R. Doc. 53-8118; Filed, Sept. 21, 1953; 8:46 a. m.]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALI-FORNIA

SUBPART-RULES AND REGULATIONS

Marketing Agreement No. 117 and Order No. 14, regulating the handling of navel oranges grown in Arizona and designated part of California, filed simultaneously herewith, effective under the applicable provisions of the Agra-cultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.) provide, in § 914.22 thereof, that the Secretary shall prescribe the time and manner of nominating members and alternate members of the Navel Orange Administrative Committee, the agency charged with the administration of the aforesaid marketing agreement and order. In order that eligible persons may participate in selecting nominees for member and alternate member positions on the Navel Orange Administrative Committee, the rules and regulations, hereinafter set forth, governing the procedure to be followed in effecting such nominations, are hereby promulgated.

#### SUBPART-RULES AND REGULATIONS

§ 914.102 Nomination procedure. (a) The time of nominating grower and handler 'members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee, except that the time of nominating the initial grower and handler members and alternate members shall not be later than 30 days after the effective date of this part. The manner of nominating members and alternate members of said committee shall be as follows:

(1) Any cooperative marketing organization which handled more than 50 percent of the total volume of oranges handled during the fiscal year in which nominations for members and alternate members of the committee are submitted, shall, by resolution adopted by its board of directors, nominate members and alternate members as provided in § 914.22 (b).

(2) A meeting shall be held at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations which market oranges, and which are not qualified under § 914.22 (b), or the growers affiliated therewith, shall nominate members and alternate members, as provided in § 914.22 (c) The vote of each such organization shall be

<sup>&</sup>lt;sup>2</sup> See P. R. Doc. 53-8118, suma.

weighted by the quantity of oranges which it handled during the fiscal year (as defined in § 914.6) in which such nominations are made. Any person who votes at any such meeting shall submit to the agent of the Secretary, written evidence of his authority to vote for such an organization.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate not less than two grower members, two alternate grower members, one handler member, and one alternate handler member. The number of ballots to be cast in selecting the nominees for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(4) The name and address of each person who has been nominated at each of the grower meetings to be held pursuant to subparagraph (3) of this paragraph shall be placed on a ballot which shall be mailed to all growers of record. and otherwise made available to growers. who are not members of, or affiliated with, a cooperative marketing organization which markets oranges, except that, a ballot shall not be utilized for those positions on the committee for which the number of persons so nominated therefor is the same as the number of positions to be filled in accordance with § 914.23 from the nominations made pursuant to § 914.22 (d) The recipient of such ballot shall select, from the names appearing on the ballot, nominees for one or more of the following positions: two nominees for two grower members, two nominees for two alternate grower members, one nominee for one handler member, and one nominee for one alternate handler member; and shall sign and return the ballot to the agent of the Secretary within such reasonable time as may be determined by such agent.

(5) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant to this section.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the rules and regulations until 30 days after publication in the Federal Register (60 Stat. 237° 5 U. S. C. 1001 et seq.) for the reasons set forth in § 914.0 (b) Additional findings, of said Order No. 14, and to enable eligible persons to participate within the limited time available in the selection of nominees for member and alternate member positions on the committee.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Issued at Washington, D. C., this 16th day of September 1953, to be, and be-

come, effective upon the date of publication in the Federal Register.

[SEAL] JOHN H. DAVIS,

Assistant Secretary of Agriculture.

[F. R. Doc. 53-8120; Filed, Sept. 21, 1953; 8:46 a. m.]

#### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Supp. 15]

PART 3—AIRPLANE AIRWORTHINESS; NOR-MAL, UTILITY, AND ACROBATIC CATE-GORIES

ELECTRICAL TRIM TAB SYSTEMS

The purpose of this supplement is to specify standards which have been found acceptable by the Administrator for electrical trim tab systems.

A new § 3.337-2 is adopted to read:

§ 3.337-2 Electrical trim tab systems (CAA policies which apply to §§ 3.337 and 3.681—(a) General. Electrical trim tab systems electrically actuated and manually controlled) must conform to the general provisions in §§ 3.337 and 3.681. In showing compliance with these general provisions, the flight and electrical standards in paragraphs (b) and (c) of this section should be applied.

(b) Flight standards. For each applicable malfunction described in paragraph (c) of this section, the following should be demonstrated, at critical weights and center of gravity positions, without danger of exceeding any of the structural limits or placard speeds. Malfunctions which do not affect the operation of the tab need not be considered.

(1) When corrective action (confined to operation of the primary surface controls) is delayed two seconds after the malfunction has been detected, dangerous deviations from any normal flight condition, including take-off and landing, should not be produced.

(2) Assuming the malfunction to occur during any normal flight conditions, it should be received to

it should be possible to:

(i) Control the airplane readily and easily for a prolonged period of time, without requiring undue effort or concentration on the part of the pilot.

(ii) Perform all the maneuvers and operations necessary in effecting a safe landing.

- (c) Electrical standards. Means should be provided in the system design to comply with the flight standards in paragraph (b) of this section after the occurrence of any single malfunction described in this paragraph:
- (1) Wiring malfunctions. (i) A ground fault on any electric cable in the system.
- (ii) An open circuit in any electric cable in the system.

(iii) Inadvertent application of electric power to any cable, unless this cable is physically isolated from all other cables or equipment capable of supplying electric power, or unless this cable is covered with a grounded shield:

(2) Switch and relay malfunctions,
(i) Internal failure of any switch such that the contacts remain in the open or closed position, or such that any contact is grounded.

(ii) Internal failure of any relay, such that normal actuation or release of the relay contacts cannot be accomplished, or such that any contact is grounded.

(iii) Inadvertent application of electric power to any single exposed contact, or its extension, within any relay unless the contact is physically isolated from adjacent contacts or other equipment capable of supplying electric power.

(iv) Inadvertent application of electric power to any single external terminal of any switch or relay, unless the terminal is physically isolated from adjacent terminals or other equipment capable of supplying electric power.

(3) Connector and terminal strip malfunctions. (i) Inadvertent application of electric power to any single pin of any connector, unless all other pins in the connector are incapable of supplying electric power.

(ii) Inadvertent application of electric power to any single terminal on any terminal strip, unless the terminal is physically isolated from adjacent terminals or other equipment capable of supplying electric power.

(4) Motor malfunctions. (1) Internal electrical or mechanical failure of the trim tab drive motor, such that the trim tab cannot be driven in one or both directions under normal load.

(5) Electric power system malfunctions. (i) Failure of electric power for any reason, or opening of the master switch due to some other emergency.

(6) Other malfunctions similar to those listed, affecting parts of the system not specifically mentioned in this paragraph.

(d) Maintenance check procedures. In complying with paragraphs (b) and (c) of this section, designers may resort to the use of duplicate equipment or other design features of such nature that a single malfunction can remain undetected in normal operation of the aircraft. One example of this condition would be a system using two control switches in series and actuated by the same toggle. Failure of one switch in the closed position would not affect the operation of the trim tab and could therefore remain undetected. The system is then vulnerable to subsequent malfunction of the other switch. Therefore, when the system design is such that a single malfunction would not be detected in normal operation of the aircraft, a maintenance check procedure should be established to assure that the system is free of such malfunction before each flight.

(Sec. 205, 52 Stat. 984, as amended; 40 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009; 49 U. S. C. 553)

These policies shall become effective October 15, 1953.

[SEAL] S. A. Kemp,

Acting Administrator of Civil

Aeronautics.

[F. R. Doc. 53-8109; Filed, Sept. 21, 1953; 8:45 a. m.]

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# Chapter III—Bureau of Foreign and Domestic Commerce, Department TITLE 15-COMMERCE AND FOREIGN TRADE of Commerce

6th Gen Rev of Export Regs, Amdt, P L 561] Subchapter C-Office of International Trade

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Subchapter C—Office of International Trade  [6th Gen Rev of Export Regs, Amdt, P L 661]  Part 399—Positive List of Commodities and Related Mathers  Miscellance Amendments Section 399 1 Appendix A—Positive List of Commodities is amended in the following particulars:  1 The following commodities are added to the Positive List:	Commodity	Druggists nonproprietary preparations: Antimalarial tablets, pills, capsules, powders, ointments extracts and similar manufactures, n. e. e., in dosago forms (report, einchonn and cincinon derive fifves in 8135% and sinsse, and einchonn tions in 815700,11	Research inhomtory apprantus and coultment, n e c, and specially fubricated parts, n. e. c.: Time interval or recording instruments capable of measuring time furcrysls of one second or fess with an ergo; not exceeding 2 percent or 20 micro scoonds.	whichover is the greater *	Aralen tablets, presently included on the Positive List under Schedule B No 815700, are now
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\*Aralen tablets, presently included on the Positive List under Schedule B No 815700, are now arthurded under the above entry.

\*These commodities are exportable under Foreign Distribution (FD) license (see Part 378 of this subchapter)

\*The Foreign Distribution (FD) license (see Part 378 of this subchapter) is made available for these commodities, and effective October 26, 1953, these commodities are subject to IC/DV requirements (see § 373 2 of this subchapter)

These revisions This part of the amendment shall become effective as of 12:01 a m, September 17, 1953 2. The following revisions are made in commodity descriptions include changes in GLV dollar-value limits where specified:

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AThe commodities described in this Positive List entry are excepted from the provisions of General in Transit License, GIT., See § 3713 (c).

The above entry is substituted for the entry presently on the Positive List under Schedule B Conform with revisions in Schedule B Schedule B Number is added a muoned by the Bureau of the Census and conform with revisions in Schedule B Schedule B No. 707550 The effect of this revision is to add the unit of quantity 'number' is added.

The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 707550 The effect of this revision is to add the unit of quantity 'number' for Schedule B No. 707550 The effect of this revision is to add the unit of quantity 'number' for short wave diathermy units and to change the GLV dollar value limit from none to \$25 for specially fabricated parts for such units.

The above two entries are substituted for the twelfth entry presently on the Positive List under Schedule B No. 707590 The effect of this revision is to add the unit of quantity 'number' for short wave diathermy units and to change the GLV dollar-value limit from none to \$25 for specially fabricated parts for such viscosimeters and to establish a GLV dollar-value limit of \$25 for specially fabricated parts for such viscosimeters and to establish a GLV dollar-value limit of Quantity 'number' of the review of this revision is to delete bulk parental oral and powder dosage forms of tryothricin polymism and neomycla.

The above entry is substituted for the entry presently on the Positive List under Schedule B No. 820350 The effect of this revision is to change the basis for determining license required the above entry is added segarately beginned by the positive List under Schedule B No. 820390 This commodity is presently included on the Positive List under Schedule B No. 820390 This effect of this revision is (1) to change the processing code from OBGN to SALT;

to reduce the GLV dollar value limit from \$100 to none; (3) effective October 10, 1953, to Graffies commodity to those subject to dollar-limit (DL) restrictions (see § 374.2) and excepted for this commodity to those subject to dollar-limit (DL) restrictions (see § 372.2) and excepted notify to those subject to IC/DV requirements (see § 372.2).

Indicate the curry is substituted for the fourth early presently on the Positive List under the above entry is substituted for the fourth early presently on the Positive List under the corner types of fluorimated materials; and (2) effective October 10, 1953, to except added commodities from the provisions of General in Transit License GTF (§ 371.0(c)), to added commodities from the provisions of General in Transit License (see Part 378.) and to make available for these commodities the Brotche List under Schedule 30 No. 383100. The effect of this revision is (1) to delete the Robitive List under Schedule 30 No. 383100. The effect of this revision and halocation and halocation grassous refrigerants; (3) effective October 10, 1953 to except the afford commodities from Easoous refrigerants; (3) effective October 10, 1953 to except the afford commodities from Easoous refrigerants; (3) effective October 10, 1953 to except the afford commodities from Easoous refrigerants; (3) effective October 10, 1953 to except the afford commodities from Easoous refrigerants; (4), effective October 10, 1953 to except the afford commodities from Easoous refrigerants; (5) to extend the cortober 20, 1953 to except the afford commodities from Easoous refrigerants; (8) effective October 10, 1953 to except the afford commodities from Easoous refrigerants; (8) effective October 20, 1953 to except the Internation Easoous refrigerants; (8) effective October 20, 1953 to except the Internation Easoous refrigerants; (8) effective October 20, 1953 to except the Easonal E

definition that is a positive of the first entry presently on the Positive List and the Calculus are Schedule B No. 191600. The effect of this revision is to did the unit of quantity 'number' for depth recorders and to increase the GLV dollar value limits from none to 850 for specially article parts for such recorders.

The color there are the properties of this revision is to did the unit of quantity 'number' for other mateorological instruments and to estublish a GLV dollar value limits from none to 820 for specially increased by the care of this revision is to add the unit of quantity 'number' for other mateorological instruments and to estublish a GLV dollar value limits from none to \$25 for specially fabricated parts for specially and the care of this revision is to add the unit of quantity 'number' for operating and the special parts for the care of this revision is to add the unit of quantity 'number' for colorimeters and to establish a GLV dollar value limit of \$25 for specially fabricated parts for colorimeters and to establish a GLV dollar value limit for \$25 for specially fabricated parts for increase the GLV dollar value limit for mit of quantity 'number' for colorimeters and to establish a GLV dollar value limit for mit of quantity 'number' for colorimeters and to forested the GLV dollar value limit from none to \$25 for specially and the angent of the parts for mit ophotometers and to increase the GLV dollar value infinit from none to \$25 for specially and the angent of the parts for mit ophotometers and to increase the GLV dollar value infinit from none to \$25 for specially and the mit of quantity 'number' for mit ophotometers and to increase the GLV dollar value infinit from none to \$25 for specially for mit ophotometers and to increase the GLV dollar value infinit from none to \$25 for specially for mit ophotometers and to increase the GLV dollar value in the series of a storage of the parts of the series of the s

computers.

Signature of the control of contro computers and to increase the GLV dollar value limits from none to \$25 for such

This part of the amendment shall become effective as of 12:01 a m, September 17, 1953, except as otherwise specifically indicated.

3. The dollar value limit in the column headed "GLV dollar-value limits" set forth opposite the commodities listed below is amended to read as follows:

73087	2003	distilated wire and exhlo: Automotive ignition wire in coils, reels or spools in lengths of 100 feet or less	703863
730810	002	Starting, Ughting, and ignition equipment, n o c, and specially fabricated parts and accessives, n. c, c; Automobile, busy, tractor, truck, and industrial engine type (specify by name) (report spark plugs in 70033)	709220
730810 730810 730810	GLV dollar valuo limits	Commodity	Schedulo B No
73081			Dont of

This part of the amendment shall become effective as of 12:01 a m, September 10, 1953
4 The processing codes set forth opposite the commodity entries listed below are amended to read as follows:

Dept. of Com mcreo Rebedulo B No	Commodity	Processing codes
015517 015520 72233	Tools (all metals), n. c. c.: Circular caw blades, n. c. c. Steel band, nlt, drag, and mili caw blades, wood working Materials bandling equipment, and parts: Blackers (portable clovatore)	CDG8 CDG8 MINE

This part of the amendment shall become effective as of September 10, 1953. 5 The processing codes set forth opposite the commodity entries listed below are amended by the addition of the following related commodity group numbers:

# S : ' :			1		- 20
Processing code and related Commodity group No	MINE 2	MINE 3	MINE 3	MINE 3	MINE 2
Commodity	Specialized mining machines and equipment, n e e, and parts, n e e: Cool cutting machines. Underground loading machines (rejoet uniderground mine conveyers in 721003) Compination each equific positing machines.	Violent value (which the production of the following types: (a) receiving magnitudes: (b) receiving the control of the following types: (a) received in 11 types: (b) received for the types: (b) followed foll type; (c) followed foll type; (d) magnitude following foll	Deterorated to the report of the contract of t	Equipment for this beneficiation of ores, coal and other minerals; classifying or string; conditioning, including thickeners; and concentrating, including flotation and concentrating, including flotation and	Other or deceller couplings, p. c., including filters, except these electromagnets or electrostatic separators below the standards described on the Positivo List under this behealth B number (specify by name) (report erushing, pulverliking and excepts coupler machines and parts in 1200 pt-72000)
Dept. of Com Com Mcress Benedalo B No	73020 730010 730020	730760	730720	730750	730750

	,	,					4115714		٠		
Processing code and related Commodity group No	MINE 2 MINE 2 MINE 2 MINE 2	MINE 2 MINE 2	MINE 2 MINE 2 MINE 2	MINE 2	MINE 3	MINE 4	MINE 4	MINE 6	MINES	MINES MINES MINES MINES	MINES
Commodity	Specialized mining machines and equipment, n o o, and parts, n o c—Continued Disortic mine loists, 50 to 500 horsepower and over Electric mine hoists, 200 horsepower and over Steam differ mine shaft and slope hoists, 500 horsepower and over Aline shuttle entries.  Specialized mining medines and equipment, n o o, and specially fabricated marts	und accessories n. e. e. genelfy by name); Underground self propoled enringes (mine truets) for mounting mining equipment, e. p. drills, compressors, timber setters, etc., and specially fabricated parts, n e o Other specialized mining machines and equipment, n e o Specially fabricated parts for separators, defended and electromagnetic types	Specially fibricated parts for mine shuttle cars.  Specially fibricated parts for other specialized mining and or dressing machines and equipment fincilated on the Positive List under Schedule B Nos 733050, 733050, 733050, 733050 and 730700 for which validated license is required to R and O country.	Specially foblicated parts for specialized mining and ore dressing equipment included on the Positive List under Schedule B Nos. 730760, 730760 and 730310 for which Positive December 10 Positive Committy destinations only	Coro drills, mounted and unmointed.  Refs and accessories, n. e., specially fabricated for the earth and rock drilling machines included on the Positive List under Selectule B Nos 73030 through 73030 (report tool bit blanks and inserts in 0.1703 or 0.1703).  Well drilling machines, and parts (report oil-country tubular products in 000210-	Robary drill rips (including truck or trailer-mounted) Cable tool drill rips (including truck or trailer mounted). Parts and accessories, n. o e specially fabricated for well drilling machines (specify by named).	Petroleum field production equipment, n. e. e., and specially fabricated parts, n. e. e., Specify by name) (report oil-country tabular products in 665210-665230). Nonlectric influtarial furness. Nonlectric in 165210-665230). Pellna nal access in 25211-673103.	Sintering formaces. Metal melling formaces, nonelectric, industrial type, for laboratory u.s. Metal mest treating formaces, nonelectric, industrial type, for laboratory u.s. (speely	Nonelectric industrial furnaces, n. c. c., industrial type, for laboratory ues (specify by	Horizoital rotary cylindrical kilna. Rotary kina, for oliginal cement, and line making machinery installations Precure top coulpinent for blast furnaces. Parts specially defricated for rotary kilna, for original cement, and line making machine precured in the country.	Parts epecially fabricated for berteantal rotory cylindrical kilns
Dept. of Com merce Schedule B No	730760 730760 730760 730780	730810 730810 730810	730810 730810 730810	730810	730840 730890	730900 731000 732000	733350	775100 775115 775120	776140	1111 1111 1111 1111 1111 1111 1111 1111 1111	770100

This part of the amendment shall become effective as of September 10, 1953 6 The following commodities are made subject to the IC/DV procedure (see § 373 34) Accordingly, the letter "A" is inserted in the column headed "Commodity Lists" opposite those comnodities

This part of the amendment shall become effective as of October 26, 1953 7 The following commodities are no longer subject to the IG/DV procedue (see § 373 34) Accordingly, the letter "A" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted;	Commodity
This come of T T T T T T T T T T T T T T T T T T	Dept. of Com merce
nre hre fer m-	I

Commodity	Other ferroalloys (specify by name and alloy content)	This part of the amendment shall be-
Behedule Baredule B No	622003	This
Commodity	Parts, for locomotives and ralivay cars (reported propulsion motors, generalors and control in 704330, wheels and axies	Air brake equipment, and specially fabri cated parts, n e o

This part of the amendment shall be-come effective as of September 10, 1953

90103

8. The following commodities are made subject to the dollar-limit (DL) restrictions (see § 374.2 (c)) and are excepted from Time Limit (TL) license (Part 377) Accordingly, the letter "B" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Com- merce Schedule B No.	Commodity	
801100	Toluene or toluol.  Metal saolts of organic compounds, except paint and variish driers (specify by	
839750	name): Cobalt salts of organic compounds.	

This part of the amendment shall become effective as of October 10, 1953.

9. The following commodities are no longer subject to the dollar-limit (DL) restrictions (see § 374.2 (c)) and are no longer excepted from Time Limit (TL) license (see Part 377) Accordingly, the letter "B" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted:

modicies is hereby deleved:		
Dept. of Com- merco Schedule B No.	Commodity	
	Synthetic rubbers (report synthet'c liquid latex in terms of total dry latex solids TDLS) (report compounded or semi-	
200998	processed in 209800): Thiokol (organic polysulfides). Welding rods and wire:	
619039	Tungsten, including tungsten carbide.  Metal powders:	
619157	Tungsten.	
622096	Ferrotungsten (specify tungsten content). Platinum and allied metals:	
692000	Platinum ore and concentrates.  Electric bulbs and tubes (lamps), and parts (report bulb and tube blanks in 529300 and 529400):	
706590	Tungsten contacts and filaments. X-ray apparatus and parts, n. e. c.:	
707530	Tungsten X-ray targets. Radio and television apparatus:	
707607	Radio and television broadcast station transmitting equipment and specially fabricated parts and accessories, n. e. c. Radio communication equipment, n. e. c. (report radar equipment in 708410; broadcast equipment in 707607; automobile and home-type radio receiver	
707613	in 707635-707719): Shipborne (maritime mobile) transmitters, receivers, and transceivers (transmitter-receivers), and specially fabricated parts and accessories, n. e. c., for transmitters and transceivers.	
707617	Land-type radio communication trans- mitters, receivers, and transceivers (transmitter-receivers), and specially fabricated parts and accessories, n. e. c. for transmitters and transceivers.	
707625	Radio beacon (beam) transmitters, and specially fabricated parts and accessories, n. e. c.	
707805	Radio and television receiving type tubes (specify by name) (report tele-	
707810	vision picture receiving tubes in 707815) Radio and television transmitting type tubes (specify by name) (report tele- vision camera tubes in 707812).	
500007	Dietherms tubes III (0/812).	
709907	Diathermy tubes.	
709907	Other electronic tubes, n. e. c., commercial and industrial (including all rectifier tubes).	
919066	Colorimeters and specially fabricated parts, n. e. c.	

This part of the amendment shall become effective as of September 10, 1953.

10. The following commodities are made subject to evidence of availability requirement (see § 373.3) Accordingly,

the letter "D" is inserted in the column | headed "Commodity Lists" opposite those commodities:

Dept. of Com- merce Schedule B No.	Commodity
801100	Toluene or toluol.

This part of the amendment shall become effective as of October 10, 1953.

11. The following commodities are no longer subject to evidence of availability requirements (see § 373.3) Accordingly, the letter "D" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted:

mose commodities is hereby deleted.		
Dept. of Com- merce Schedule B No.	Commodity	
545110	Asbestos: Unmanufactured: Crude asbestos and spinning fibers (specify by grade). Steel plates, including boiler plate (hot or cold-rolled), not fabricated:	
603125	Structural shapes and piling:	
604510 605000	Structural shapes, not fabricated: Carbon steel. Sheet piling (all steel grades), except	
	formed. Pipe, tubes, and tubing, n. e. c. (pipe assembles specially fabricated for particular machines or equipment should be reported as parts of such machines or equipment): Oil country pipe (including drill pipe, casing and tubing) (see § 399.2, Int. 1):	
606210 606230	Seamless, carbon steel. Seamless, carbon steel. Welded, carbon steel.	
606240 606260		
606270 606270	Line pipe, carbon and alloy steel, except stainless (see § 399.2, Int. 1): Scamless, carbon steel. Scamless, alloy steel, except stainless. Welded, carbon steel.	
606280 606280	Welded, carbon steel. Welded, alloy steel, except stainless. Fabricated steel products:	
618961	by name).	
618963	Plates, fabricated, punched, or shaped, n. e. c., except pallets for concrete blocks. Penstock for conducting water (sections	
618965	i labricated from rolled steel blate).	
619039	Welding rods and wires: Cobalt (containing 15 percent or more cobalt by weight).	
619140 619140	Dutch metal, Gilding and gold bronze (specify copper content).	
619152 619155 619159	Magnesium. Tantalum.	
619159	Nickel flakes.  Other metal powders (specify type of metal) (report gilding powder and gold bronze powder in 619140).  Foll and leaf (less than 0 006 inch in thickness) (report paper-backed foil in 486100):  Berellium foll	
619250 619250		
010200	Other foll and leaf, except gold and silver (specify type of metal).  Metal-manufactures, n. e. c., and parts, n. e. c.: Other metals, except precious (specify by	
619950	Other metals, except precious (specify by name and type of metal): Aluminum slugs.	
619950 621303	Ferromanganese (specify manganese con-	
622050 622095	tent). Ferrochrome (specify chrome content). Ferrotitanium and ferro-carbon-titanium	
622098	(specify titanium content).  Ferrocolumbium (specify columbium content).	
622098	Ferrocolumbium-tantalum (specify alloy content).	
622098	Other ferroalloys (specify by name and alloy content).	
664520	Ohromium or chromite: Ores and concentrates. Cobalt:	
664526 664529	Cobalt-dental alloys. Semilabricated forms, n. e. c. (specify by	

Semifabricated forms, n. e. c. (specify by name).

Dept. of Com- merco Schedule B No.	Commodity	
664540	Manganese:	
004540	Ores and concentrates, containing 10 per- cent or more manganese.	
664547	Magnesium: Motal and alloys in crude form, and scrap,	
664549	Semifabricated forms, n. e. c. (specify by name).	
664551	Molybdonum: Metal and alloys in crude form, and scrap. Tantalum:	
664562	Metal and alloys in crude form, and scrap (report slag in 664988).	
664563	Semifabricated forms, n. c. c., including rings and wire (specify by name).	
664581	Tungsten: Tungsten metal and alloys in crude form, and scrap (specify by name and tungsten content).	
692000	Platinum and metals:	
692205	Platinum ore and concentrates. Platinum and alloys in ingots, bars, sheets, anodes and other forms, including scrap.	
	Polo line, transmission, and distribution hardware, n. e. c., and specially fabri-	
709495	cated parts, n. e. c Rail bonds, wire.	
700000	Tantalum rings, for radio transmitter and radio receiver tubes,	

This part of the amendment shall become effective as of September 10, 1953.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., September 17, 1953, may be exported under the previous general license provisions up to and including October 10, 1953. Any such shipment, not laden aboard the exporting carrier on or before September 17, 1953, requires a validated license for export.

Section 399.3 Appendix C-Commodity Processing Codes is simultaneously amended to reflect the changes in processing codes set forth in Parts 2 and 4 of this amendment.

(Sec. 3, 63 Stat. 7, 65 Stat. 43, 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 OFR, 1948 Supp.)

> LORING K. MACY, Director. Office of International Trade.

[F. R. Doc. 53-8073; Filed, Sept. 21, 1953; 8:50 a. m.]

#### TITLE 16—COMMERCIAL **PRACTICES**

#### Chapter I—Federal Trade Commission

PART 4-ADMINISTRATIVE INTERPRETATIONS

#### "FREE" MERCHANDISE

Section 4.1 "Free" merchandise, 1hereby deleted from the Code of Federal Regulations inasmuch as the Commission on September 8, 1953, reconsidered and rescinded its statement of policy adopted January 14, 1948 (13 F R. 414), with reference to the use of the word "free"

(Sec. 6, 38 Stat. 722; U. S. C. 46)

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr., Secretary.

[F. R. Doc. 53-8137; Filed, Sept. 21, 1953; 8:49 a. m.]

#### TITLE 21—FOOD AND DRUGS

#### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CON-TAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAIN-ING DRUGS

DIBENZYLETHYLENEDIAMINE DIPENICILLIN
G AND STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN)

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) are amended as indicated below

1. Part 141 is amended by adding the following new section:

§ 141.68 Dibenzylethylenediamine dipenicillin G and streptomycin, dibenzylethylenediamine dipenicillin G and dihydrostreptomycin—(a) Potency—(1) Content of dibenzylethylenediamine dipenicillin G. Proceed as directed in § 141.47 (a). Its content of dibenzylethylenediamine dipenicillin G is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) Streptomycin content. Proceed as directed in § 141.101 (j) Its content of streptomycin is satisfactory if it contains not less than 90 percent of the number of grams that it is represented to contain.

(3) Dihydrostreptomycin content. Proceed as directed in § 141.108 (a) Its content of dihydrostreptomycin is satisfactory if it contains not less than 90 percent of the number of grams that it is represented to contain.

(b) Sterility. Use the entire contents of single-dose containers or the equivalent of approximately 0.5 gram (combined activity) for each multiple-dose container, and proceed as directed in \$141.47 (b) except that no control tube is used in the test for bacteria.

(c) Moisture. Proceed as directed in § 141.26 (e)

(d) Toxicity, pyrogens, pH. Proceed as directed in § 141.39 (c) (d) and (f) (Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

2. Part 146 is amended by adding the following new section:

§ 146.91 Dibenzylethylenediamine dipencillin G and streptomycin, dibenzylethylenediamine dipenicillin G and dihydrostreptomycin. Dibenzylethylenediamine dipenicillin G and streptomycin and dibenzylethylenediamine dipenicillin G and dihydrostreptomycin conform to all requirements prescribed by § 146.77 for the dry mixture of dibenzylethylenediamine dipenicillin G for aqueous injection and are subject to all procedures prescribed by that section for dibenzylethylenediamine dipenicillin G for aqueous injection except that:

(a) It contains not less than 0.5 gram of streptomycin or dihydrostreptomycin for each 100,000 units of dibenzylethyl-

enediamine dipenicillin G.

(b) In lieu of the directions for labeling prescribed by § 146.77 (c) (1) (ii) each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of grams of streptomycin or dihydrostreptomycin in the immediate container.

(c) In addition to complying with the requirements of § 146.77 (d) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and essays of the streptomycln or dihydrostreptomycin used in making the batch for potency, histamine content, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin, the number of units of dibenzylethylenediamine dipenicillin G, and the number of grams of streptomycin or dihydrostreptomycin in each immediate container of the batch. He shall also submit in connection with his request a sample consisting of not less than 12 immediate containers of the batch and a sample of the streptomycin or dihydrostreptomycin used in making the batch consisting of 3 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146.101 (b)

(d) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed therefor by this section shall be \$4.00.

(Sec. 701, 52 Stat. 1055; 21 U.S. C. 371)

This order, which provides for tests and methods of assay and certification of two new antibiotic drugs dibenzylethylenediamine dipenicillin G and streptomycin (or dihydrostreptomycin) shall become effective upon publication in the Federal Register, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public inter-

est to delay providing for the aforesaid amendments.

Dated: September 16, 1953.

[SEAL] OVETA CULP HOBBY, Secretary.

[F. R. Doc. 53-8124; Filed, Sept. 21, 1953; 8:47 a. m.]

#### TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S. O. 896]

PART 95-CAR SERVICE

SUBSTITUTION OF STOCK CARS FOR BOX CARS TO TRANSPORT FRUIT AND VEGETABLE CON-TAINERS, BOX SHOOKS AND COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of September A. D. 1953.

It appearing, that fruit and vegetable containers, box shooks, other packing material and uncompressed cotton are now moving in box cars from origins in the States of Washington, Oregon, and California, to destinations in the States of Washington, Oregon, California, Nevada, and Arizona; that the substitution of stock cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: It is ordered, that:

§ 95.896 Substitution of stock cars for box cars to transport fruit and vegetable containers, box shooks and cotton. (a) Any common carrier by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials and uncompressed cotton, in carloads, from origins located in the States of Washington, Oregon, and California, to destinations in the States of Washington, Oregon, California. Nevada, and Arizona may, at their option, furnish and transport not more than two (2) stock cars (Southern Pacific Series 70300-77775) in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(b) Application: The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 9:00 a.m., September 17, 1953.

(d) Expiration date: This section shall expire at 11:59 p. m., March 16, 1954, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) Rules and regulations suspended: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension: Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that a copy of this order and direction shall be served

upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or applies secs 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U.S.C. 1, 151

By the Commission, Division 3.

GEORGE W LAIRD. [SEAL]

Acting Secretary.

[F. R. Doc. 53-8132; Filed, Sept. 21, 1953; 8:48 a. m.1

## PROPOSED RULE MAKING

#### DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

I 7 CFR Parts 904, 934, 947, 996, 999 1

[Docket Nos. AO-14-A22, AO-83-A18, AO-203-A4, AO-204-A4, AO-113-A15]

HANDLING OF MILK IN THE GREATER BOS-TON. LOWELL-LAWRENCE, SPRINGFIELD, Worcester, and Fall River, Massa-CHUSETTS, MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMEND-MENTS TO TENTATIVELY APPROVED MAR-KETING AGREEMENTS AND TO ORDERS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the opening of a public hearing to be held in the Horticultural Hall, Elm and Chestnut Streets, Worcester, Massachusetts, beginning at 10:30 a. m., e. s. t., September 30, 1953, and in Court Room No. 4, 12th floor, Federal Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., October 1, 1953, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture, and to the orders now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

A. Definitions:

Proposed by General Ice Cream Corporation:

1. Reconsider the definition of "receiving plant" and any other necessary revisions in other provisions of each of the above-named orders where such revision might be necessary to give consideration to the possible rapid expansion of the farm tank bulk program.

B. Class II prices:

Proposed by New England Milk Producers' Association:

2. Provide a floor under the Class II price in each of the above-named orders at not less than butter-cheese value.

Proposed by Northern Farms, Inc. and Maine Dairymen's Association:

3. Provide in each of the above-named orders that the Class II price under each order shall not be lower than the butter and cheese value for Class II milk.

4. Increase Class II price at city plants in Lowell-Lawrence, Worcester, Springfield and Fall River marketing areas to the level of the Class II price paid at city plants in the Greater Boston Marketing Area.

Proposed by Eastern Milk Producers' Cooperative Association, Inc..

5. Amend § 904.41 Class II prices by establishing a floor price obtained from the average prices paid at the following condensery plants, known as the "midwestern condensery series," adjusted to 3.7 percent butterfat basis:

Borden Company, Black Creek, Wis. Borden Company, Greenville, Wis. Borden Company, Mt. Pleasant, Mich. Borden Company, New London, Wis. Borden Company, Orfordville, Wis. Carnation Company, Berlin, Wis. Carnation Company, Chilton, Wis. Carnation Company, Ocenomowoc, Wis. Carnation Company, Richland Center, Wis. Carnation Company, Sparta, Mich. Pet Milk Company, Belleville, Wis. Pet Milk Company, Coopersville, Mich. Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Clarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc,

White House Milk Company, West Bend,

Proposed by Reise's Dairy

6. Amend § 947.61 of the Fall River order by reflecting in the computation of the dealer's uniform price the actual price received for Class II milk when such surplus milk was sold to the producers' association.

C. Proposed exemptions:

Proposed by Guernsey Dairies, Inc..

7. Amend the Boston order to provide that the production from a producerdealer's own herd be "exempt milk" providing he produced at least 25 percent of the milk he handled.

Proposed by Wild Rose Farm:

8. Amend the Lowell-Lawrence order to provide that the production from a producer-dealer's own herd be exempt milk providing he produces 25 percent of the milk he handles.

Proposed by Stebbins Farms:

9. Amend the Springfield order to provide that any non-pool handler, selling less than 10 percent of all his sales, in the Federal area, shall not be charged with the difference between Class I and Class II, if he buys the equivalent of his milk sales in the Federal area, from a producer located in the Federal milk area and delivering his milk previously to a pool handler. This provision shall be void, if the sales of a non-pool handler in the Federal milk area should exceed 200 quarts of Class I milk a day.

D. Classification and pricing of milk received from other Federal order markets and other outside sources:

Proposed by New England Milk Pro-

ducers' Association:

10. Provide that the assignment of receipts from New York order pool plants to Class I milk under each of the abovenamed orders shall be limited to milk which is classified and priced in Classes I-A or I-B under the New York order.

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc..

11. Milk received at New York order pool plants from dairy farmers not producers or from non-pool plants, as defined in Order No. 27, which is shipped to the Greater Boston Marketing Area shall be considered as receipts of Class II milk (as provided in § 904.29 (a) for receipts of outside milk) It is also proposed that similar amendments be made to other Federal orders regulating New England markets.

Proposed by Hillcrest Dairy

12. Amend the Boston and Worcester orders to provide that if packaged milk is moved from a plant subject to the Worcester order to the Boston market, that such milk.shall be classified as Class I in the Worcester pool and that there be a compensating treatment in the Boston pool.

Proposed by New England Milk Pro-

ducers' Association:

13. Provide that milk received in bulk at a Boston regulated plant, from a plant regulated under the Lowell-Lawrence, Springfield, or Worcester Federal orders, shall be assigned to Class I milk under the Boston order to the extent of the quantity of fluid milk products other than cream, returned in packaged form to a regulated plant under such other order operated by the person from whom the bulk milk is received.

14. Provide that the credit at a Boston regulated plant for receipts of outside milk which is regulated under another Federal order, shall be no greater than the charge to the handler for such milk under such other Federal order.

15. Re-examine the credits which handlers receive under the Boston, Lowell-Lawrence, Springfield and Worcester orders on outside milk, from any source.

E. Differential areas:

Proposed by Berkshire County Farm Bureau:

16. Amend § 996.9 (e) of the Springfield order, so as to include all of Berkshire County in the nearby 46-cent differential area.

Proposed by Whiting Milk Company. 17. Reconsider the areas to which the 46-cent farm location differentials apply under the Boston, Springfield, Lowell-Lawrence and Worcester orders.

F. Base-excess price plan for Fall River\*

Proposed by Bentley's Dairy.

18. Amend Order No. 47 to provide that each producer, under Order No. 47, as amended, shall be paid for milk produced during the months of April, May and June on the basis of a quota established by such producer based on his production for the months of October, November and December next preceding. In the event that the producer was not producing under Order No. 47, as amended, during the preceding months of October, November and December, the Class I sales of the handler to whom he is shipping in April, May and June shall be first allocated to the other producers shipping to said handler up to the total of the quotas established by said producers.

In the event that the Class I sales of the handler during April, May and June are greater than the total of the quotas established by his producers during the preceding October, November and December, such additional Class I shall be prorated among his producers in proportion to the quotas established by said producers.

In the event the dealer's Class I sales during the months of April, May and June do not equal the total of the quotas established by his producers during October, November and December, such Class I sales shall be prorated according to the quotas established by the producers.

G. Proposed marketing service assessment under Boston order and providing information to cooperatives under all orders:

Proposed by Northern Farms Cooperative:

19. Amend Order No. 4 by the adoption of marketing service provisions similar to those in effect in the other federally regulated markets in New England.

Proposed by New England Milk Producers' Association:

20. Require in each of the abovenamed orders that each handler furnish information to an association of producers, with respect to the beginning, termination, or transfer of deliveries by its member producers at any of such a

handler's pool plants, or in lieu thereof authorize the Market Administrator to furnish such information.

Board a Special Civil Air Regulation extending the present authority of the Administrator to establish increased maxi-

H. Administrative proposals: Proposed by the Dairy Branch:

21. In each of the above-named orders change the reference New England Joint Tariff-M No. 6 to New England Joint

22. In section 62 of the Boston, Lowell-Lawrence, Springfield and Worcester orders, provide uniform monthly payment dates for adjustment of errors in payments to and from the Market

Administrator.

Tariff-M No. 7.

23. In §§ 934.69 (Lowell-Lawrence), 996.70 (Springfield), and 999.70 (Worcester) change the due date for payments of marketing service assessments to the twenty-third of the month.

24. Delete § 904.65 of the Boston order and renumber § 904.66 as § 904.65.

25. Renumber provisions as follows: Boston: § 904.51 (e) and (f) as § 904.51 (d) and (e) § 904.75 as § 904.69, § 904.77 as § 904.72, and § 904.78 as § 904.73.

Lowell-Lawrence: § 934.69 as § 934.70, § 934.70 as § 934.71, and § 934.71 as § 934.72.

26. In § 934.1 of the Lowell-Lawrence order add "Haverhill" to the name of the marketing area so that it will be designated as the Lowell-Lawrence-Haverhill marketing area.

27. Make such other changes as may be required to make the marketing agreements and orders in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the orders as now in effect may be procured from the respective market administrators: Room 403, 230 Congress Street, Boston 10, Massachusetts: 103 Pleasant Street, Fall River, Massachusetts; National Bank Building, 25 Argyle Street, Shawsheen Village, Andover, Massachusetts; Room 605, 145 State Street, Springfield, Massachusetts; Room 403, 107 Front Street, Worcester, Massachusetts; or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of September 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-8140; Filed, Sept. 21, 1953; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Parts 4a, 42, 45 ]

PROVISIONAL MAXIMUM TAKE-OFF WEIGHTS FOR CERTAIN AIRPLANES OPERATED BY ALASKAN AIR CARRIERS AND BY DEPART-MENT OF THE INTERIOR

PROPOSED EXTENSION OF SPECIAL AUTHORIZATION

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the

Board a Special Civil Air Regulation extending the present authority of the Administrator to establish increased maximum take-off weights for certain airplanes under 12,500 pounds operated by Alaskan air carriers and by the U.S. Department of the Interior in the Territory of Alaska, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by October 9. 1953. Copies of such communications will be available after October 11, 1953. for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On September 20, 1949, the Civil Aeronautics Board adopted Special Civil Air Regulation SR-337 which authorized the Administrator to establish increased maximum take-off weights for certain airplanes under 12,500 pounds operated by Alaskan air carriers in the Territory of Alaska. On March 31, 1950, the Board delegated the same authority to the Administrator with respect to such airplanes operated in the Territory of Alaska by the Fish and Wild Life Service of the U.S. Department of the Interior. This authority was extended by Special Civil Air Regulations SR-375 and SR-376, respectively, until October 25, 1953. Due to the requirement of economically continuing air carrier operations in this region which depends upon this type of operation for its domestic economy, and since the Department of the Interior expects to continue the use of these airplanes in the Territory of Alaska, it is proposed to extend the authorization currently provided by these special regulations.

The Bureau of Safety Regulations has been advised that the Bureau of Land Management of the Department of the Interior intends to operate airplanes under 12,500 pounds in the Territory of Alaska in its management, fire detection, and fire suppression activities with regard to public land. In view of this it is proposed to expand the scope of this regulation to include such activities. The Bureau has also been advised that the provisions of section 2 (e) of this proposal have become an administrative burden in that, dependent upon the equipment installed in the individual airplanes, the maximum take-off weights might vary between airplanes of the same type. It is, therefore, requested that comments be submitted as to the desirability of eliminating this paragraph of the proposed regulation.

Since the substantive provisions of SR-375 and SR-376 are the same, it is proposed that the extension of the authority delegated to the Administrator in those regulations be combined into a single regulation. Although this notice proposes extension of this author-

ity until superseded or rescinded by the Board instead of extension for another two years, this provision may be changed if comment indicates that only a twoyear extension would be desirable.

Accordingly, it is proposed to issue a Special Civil Air Regulation, effective October 25, 1953, to read as follows:

- 1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7-A of the Aeronautics Branch of the U.S. Department of Commerce, dated January 1, 1931, as amended, or under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan air carriers as designated by Part 292, as amended, of the Board's Economic Regulations or by the U.S. Department of the Interior in the conduct of its game and fish law enforcement activities and its management, fire detection, and fire suppression activities with respect to public land.
- 2. The maximum authorized weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds;

- (b) 115 percent of the maximum weight listed in the CAA Aircraft Specification:
- (c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.186 of the Civil Air Regulations;
- (d) The weight at which the airplane meets the climb performance requirements under which it was type certificated, or

- (e) The sum of the following:(1) The empty weight of the airplane as equipped;
- (2) The actual weight of the maximum fuel and oil capacity of the airplane;
  (3) The weight of the number of per-
- sons for whom seats are provided, computed at 170 pounds per person; and

(4) The weight of the maximum allowable baggage.

- 3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be trayersed in the operation.
- 4. The maximum authorized weight so determined shall be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the Territory of Alaska.

It is proposed that this regulation supersede Special Civil Air Regulations SR-375 and SR-376, and be effective until superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U.S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U.S. C. 551-560)

Dated: September 3, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

JOHN M. CHAMBERLAIN. [SEAL] Director

[F. R. Doc. 53-8136; Filed, Sept. 21, 1953; 8: 49 a. m.]

#### COMMODITY EXCHANGE **COMMISSION**

[ 17 CFR Part 150 ]

[Hearing Docket CE-P 10]

SOYBEANS FOR FUTURE DELIVERY

LIMITS ON POSITION AND DAILY TRADING

On August 13, 1951, the Commodity Exchange Commission issued an order (17 CFR, 1952 Supp., 150.4) effective on and after October 1, 1951, establishing one million bushels as the maximum limit on position and daily trading in soybeans for future delivery, with an exception for bona fide hedging transactions.

Based on representations made and evidence furnished by the Commodity Exchange Authority of the United States Department of Agriculture, it appears that the soybean futures market has reached a state of maturity. The volume of trading in soybean futures on the Chicago Board of Trade has been maintained at a level approximately equal to those for wheat and corn on the same market during the two and a half years from January 1951 through June 1953. That fact, of course, was not known at the time of the hearing which preceded the issuance of the order. The volume of trading in soybeans during this period has approximated 25 to 30 percent of total trading in all grains on the Chicago Board of Trade. The greater amount of data now available shows that the ratio of volume of trading to open contracts in soybean futures is consistently higher than comparable ratios for other commodities. These factors warrant an increase in the limit on daily trading in soybean futures.

The level of open contrasts in the January 1951-June 1953 period of approximately 46.1 million bushels is not significantly higher than the average of 40.5 million bushels in the representative period, October 1948 through December 1951, to warrant an increase in

the position limit. However, the same limit for positions as for daily trading is desirable in order to avoid confusion and difficulties in enforcement. If the position limit were smaller than the daily trading limit, a trader might inadvertently exceed the position limit during a trading session by a succession of trades in one direction and be prevented by the subsequent market situation from coming within the position limit. These considerations warrant a change in the limit on position comparable to the change in the daily trading limit.

Therefore, notice is hereby given that the Commodity Exchange Commission proposes to amend its order of August 13, 1951, by increasing the present limit of one million bushels on position and daily trading in soybeans for future delivery to a limit of two million bushels, with an exemption for bona fide hedging transactions. If any interested person desires a hearing with reference to the proposed amendment, and notifies the Presiding Officer to that effect as directed below, on or before October 10, 1953, a hearing will be held, beginning at 10:00 a. m., e. s. t., on October 26, 1953, in Room 149W, Administration Building, United States Department of Agriculture, Washington, D. C., and all interested persons will be given an opportunity to express their views at such hearing. Requests for hearing should be addressed to the Presiding Officer, Hearing Docket CE-P 10, Commodity Exchange Authority, United States Department of Agriculture, Washington 26, D. C.

Written statements with reference to the subject matter of the proposed amendment may be submitted by any interested person and may be in addition to or in lieu of testimony at a hearing. Such statements should be prepared in quintuplicate and mailed to the Presiding Officer prior to October 10, 1953.

This notice shall not suspend, modify, revoke, postpone, or otherwise affect the aforementioned order of the Commodity Exchange Commission issued August 13, 1951, establishing limits on position and daily trading in soybeans for future delivery.

Issued this 17th day of September 1953.

COMMODITY EXCHANGE COMMISSION.

[SEAL] EZRA TAFT BENSON, Secretary of Agriculture, Chairman. SINCLAIR WEEKS. Secretary of Commerce. WILLIAM P ROCERS, Acting Attorney General.

[F. R. Doc. 53-8138; Filed, Sept. 21, 1953; 8:49 a. m.]

#### NOTICES

#### DEPARTMENT OF THE TREASURY

#### Foreign Assets Control

IMPORTATION OF DYED HOG BRISTLES DI-RECTLY FROM THE FEDERAL REPUBLIC OF GERMANY

#### AVAILABILITY OF CERTIFICATION

Notice is hereby given that certificates of origin of the Federal Ministry of Economics of the Federal Republic of Germany (or its Federal Agency for Commodity Trade) issued under procedures agreed upon between that Government and the Foreign Assets Control, are now available with respect to the importation of dyed hog bristles into the United States directly or on a through bill of lading from the Federal Republic of Germany.

The Foreign Assets Control will issue specific licenses authorizing the purchase and importation into the United States of German dyed hog bristles provided that the licensee presents to the Collector of Customs at the port of importation an appropriate certificate of origin covering the specific merchandise sought to be imported. Application for such licenses should be filed in duplicate on form TFAC-1 with the Federal Reserve Bank of New York, 33 Liberty St., New York 45, N. Y. The attention of importers and others concerned is called to the fact that the general licenses set forth in 31 CFR 500.536 (c) and 500.537 of the Foreign Assets Control Regulations are not applicable to the purchase or importation of German dyed hog bristles.

ESEAL ]

ELTING ARNOLD. Acting Director Foreign Assets Control.

[F. R. Doc. 53-8172, Filed, Sept. 21, 1953; 8:49 a. m.]

#### DEPARTMENT OF THE INTERIOR

#### **Bureau of Reclamation**

INo. 471

ORLAND IRRIGATION PROJECT, CALIFORNIA PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

#### SEPTEMBER 8, 1953.

1. Operation and maintenance charges. The minimum annual operation and maintenance charge for the irrigation season of 1954 and thereafter until further notice for all lands of the Orland Project, California, under public notice shall be \$6.27 per irrigable acre, whether water is used or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. This charge includes \$0.67 per acre in payment for rehabilitation and betterment work accomplished on the project. Additional water up to the amount of the surplus natural flow water, or operational spill from Stony Gorge Dam, used prior to the time it becomes necessary to draw upon the storage supply, will be fur- in sums of less than \$10.00.

nished at the rate of \$0.30 per acre-foot. Further additional water, if available, will be furnished during the irrigation

season at the rate of \$1.87 per acre-foot.
2. Time of payment. The minimum charge for the 1954 irrigation season, together with charges for additional water used during the 1953 irrigation season, shall be payable on or before December 31, 1953.

- 3. Penalties. If payment of the charges, or any part thereof, is not made on or before the due dates, there shall be added on the following date a penalty of one-half of one percent of the amount unpaid, and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue. No water shall be delivered until all charges and penalties have been paid in full.
- 4. Place of payment. All payments should be made to the Bureau of Reclamation, Orland, California.

C. H. SPENCER, Supervising Engineer California Projects.

[F. R. Doc. 53-8110; Filed, Sept. 21, 1953; 8:45 a. m.1

[No. 48]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

SEPTEMBER 8, 1953.

- 1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland Project, California, water will be furnished during the irrigation season of 1954 and thereafter until further notice, upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.
- 2. Charges and terms of payment. The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be \$6.27 per irrigable acre, which charge will permit the delivery of not to exceed 3 acrefeet of water per irrigable acre per annum. Additional water, if available, will be furnished at the rate of \$1.87 per acre-foot.

The minimum charge will be payable at the time that application for temporary water service is executed and no water will be delivered until the minimum charge has been paid in full. Charge for additional water at the rates above-specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted

3. Application for, and payment of service. Applications for water service and the payments required by this notice will be received at the office of the Bureau of Reclamation, Orland, California.

> C. H. SPENCER. Supervising Engineer California Projects.

[F. R. Doc. 53-8111; Filed, Sept. 21, 1953; 8:45 a. m.]

#### CIVIL AERONAUTICS BOARD

Public Notice PN 4, Amdt. 41

FINAL DELEGATIONS OF AUTHORITY FROM THE BOARD TO THE STAFF

ISSUING OF FOREIGN AIRCRAFT PERMITS

The Civil Aeronautics Board hereby amends Public Notice PN 4, dated March 1, 1951, as follows:

By adding a new section 6.16 to read as follows:

Sec. 6.16 Issuing of foreign aircraft permits. The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to issue the permits provided for in § 190.46 of the Civil Air Regulations (14 CFR 190.46) if he finds that applications for such permits are in order and meet the requirements of § 190.46. If disapproval of any application for such a permit is deemed appropriate the Director will advise the applicant that he may request the Board to review the matter

Effective: September 3, 1953.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 53-8135; Filed, Sept. 21, 1953; 8:49 a. m.]

#### OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 45-DPAV-42(b)]

SCREW MACHINE PRODUCTS Co.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF ARMY ORDINANCE INTEGRATION COMMITTEE ON 201111 PROJECTILES AND FUZES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company is herewith published which has accepted the request to participate in the activities of the Integration Committee on 20MM Projectiles and Fuzes in accordance with the Voluntary Plan entitled, "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on 20MM Projectiles and Fuzes," dated February 25, 1952, which request and original list of companies accepting such request were published in 17 F R. 8371 on September 17, 1952. An additional list of companies accepting such request was published in 17 F. R. 10494 on November 15, 1952.

5656 NOTICES

Screw Machine Products Co., 7737 N. E. Killingsworth, Portland 20, Oreg.

(Sec. 708, 67 Stat. 129, Pub. Law 95, 83d Cong., E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: September 16, 1953.

ARTHUR S. FLEMMING,

Director.

[F. R. Doc. 53-8122; Filed, Sept. 21, 1953; 8: 46 a. m.]

[ODM (DPA) Request No. 48-DPAV-40 (a)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN PLAN AND REGULATIONS OF ORDNANCE CORPS COVERING INTEGRATION COMMITTEE ON 20MM AUTOMATIC AIRCRAFT GUNS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published in 17 F R. 7164, on August 6, 1952, to participate in the formation and activities of the 20MM Automatic Aircraft Guns Integration Committee, in accordance with the Voluntary Plan entitled, "Plan and Regulations of the Ordnance Corps Covering the Integration Committee on 20MM Automatic Aircraft Guns," dated May 1, 1952, transmitted to and accepted by those companies listed in 17 F R. 7164, on August 6, 1952, is hereby withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to these companies is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 67 Stat. 129, Pub. Law 95, 83d Cong.; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: September 16, 1953.

ARTHUR S. FLEMMING,

Director

[F. R. Doc. 53-8123; Filed, Sept. 21, 1953; 8:46 a. m.]

# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-611, 31-612]

DEWAR, ROBERTSON & PANCOAST AND SCHNEIDER, BERNET & HICKMAN

NOTICE OF FILING OF APPLICATIONS FOR TEMPORARY EXEMPTION

SEPTEMBER 16, 1953.

In the matter of Dewar, Robertson & Pancoast, File No. 31-611, Schneider, Bernet & Hickman, File No. 31-612.

Notice is hereby given that Dewar, Robertson & Pancoast and Schneider, Bernet & Hickman, both of which are partnerhips, have filed applications requesting exemption for a period of one year from the provisions of the Public Utility Holding Company Act of 1935 ("act") for themselves and their subsidiary, Tyler Gas Service Company ("Tyler") a gas utility company.

All interested persons are referred to said applications which are on file in the offices of the Commission for a statement

of the facts contained therein, which are summarized as follows:

Dewar, Robertson & Pancoast, owner of 3,334 shares (33.34 percent) of the common stock of Tyler, and Schneider, Bernet & Hickman, owner of 3,333 shares (33.33 percent) of the common stock of Tyler, are registered broker-dealers who state that their businesses are limited almost exclusively to transactions in the State of Texas. The balance of Tyler's capital stock is owned by three individuals residing in Lincoln, Nebraska. Each applicant represents that it is the present intention to hold the stock of Tyler only for such time as is necessary to improve the assets and position of Tyler.

Tyler, a Texas corporation, is engaged in the distribution at retail of natural gas in and around Tyler, Texas. As of March 31, 1953, Tyler's capitalization and surplus consisted of the following:

	Amount	Percent of total
Long-term debt: First mortgage bonds, 3½ percent. 5 percent notes due Apr. I, 1054	\$460,000 100,000	58.0 12.6
	560,000	70. 6
Capital stock and surplus: Common stock, 10,000 shares Earned surplus	100,000 133,677	12.6 16.8
	233, 677	29.4
	793, 677	100.0

Notice is further given that any person may, not later than September 30, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any of fact or law raised by said applications proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. Said applications may be granted at any time after September 30, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-8113; Filed, Sept. 21, 1953; 8:46 a. m.]

[File No. 70-3121]

Worcester Gas Light Co. and Cam-Bridge Gas Light Co.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

SEPTEMBER 16, 1953.

Worcester Gas Light Company ("Worcester") and Cambridge Gas Light Company ("Cambridge") public-utility subsidiary companies of New England Gas and Electric Association, a registered holding company, having filed a joint application-declaration with this Commission pursuant to sections 6 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23.

U-42 (b) (2), U-43 and U-50 promulgated thereunder with respect to the following proposed transactions:

Worcester proposes to issue and sell. pursuant to the competitive bidding requirements of Rule U-50, \$3,000,000 principal amount of First Mortgage Sinking Fund \_\_\_\_ Percent Bonds, Series B, due 1973. It is proposed to issue said bonds under Worcester's present indenture, dated as of February 1, 1949, between Worcester and State Street Trust Company Trustee, as supplemented by a supplemental indenture to be dated as of September 1, 1953. The interest rate (which will be a multiple of 1/9 of 1 percent) and the price to Worcester (which shall be not less than the principal amount thereof and not more than 102% percent of such principal) will be determined by competitive bidding and supplied by amendment. Worcester proposes to use the proceeds from the sale of the bonds to retire \$1,394,000 of unsecured 31/2 percent notes held by Cambridge and \$500,000 of 3½ percent notes payable to a bank (such indebtedness was incurred originally for construction purposes) and to reimburse its Plant Replacement Fund for amounts borrowed therefrom for construction purposes.

Cambridge proposes to use \$700,000 of the \$1,394,000 it will receive from Worcester to retire outstanding unsecured notes payable to banks and the balance of \$694,000 will be held to apply to future construction costs.

The issuance and sale of the new bonds have been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts. In the opinion of counsel for Worcester and Cambridge no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and pormitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration. as amended, be and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-8112; Filed, Sept. 21, 1953; 8:45 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28463]

CAUSTIC SODA FROM CERTAIN STATES TO MISSOURI RIVER CITIES

APPLICATION FOR RELIEF

SEPTEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt and C. W. Boin, Agents, for carriers parties to schedules listed below.

Commodities involved: Caustic soda, in tank-car loads.

From: Points in Ohio, Michigan, West Virginia, New-York, and Virginia.

To: Kansas City, Mo.-Kans., Atchison and Leavenworth, Kans., St. Joseph, Mo., and other points in Missouri.

Grounds for relief: Competition with

rail carriers, circuitous routes.
Schedules filed containing proposed rates: L. C. Schuldt, Agent, tariff I. C. C. No. 4238, supp. 87; C. W Boin, Agent, tariff I. C. C.-No. A-970, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird,
Acting Secretary.

[F. R. Doc. 53-8125; Filed, Sept. 21, 1953; 8:47 a. m.]

[4th Sec. Application 28464]

SODA ASH FROM MICHIGAN, NEW YORK, AND OHIO TO OMAHA, NEBR.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to schedule listed below. Commodities involved: Soda ash, car-

From: Detroit, Midland, and Wyandotte, Mich., Niagara Falls and Suspension Bridge, N. Y., Akron, Barberton, Fairport Harbor, Painesville, and Perry, Ohio.

To: Omaha, Nebr.

loads.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, tariff I. C. C. No. 4238, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-vided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Acting Secretary.

[F. R. Doc. 53-8126; Filed, Sept. 21, 1953; 8:47 a. m.]

[4th sec. application No. 28465]

ACETIC ACID AND ANHYDRIDE FROM TEXAS AND ARKANSAS TO BARBERTON AND CAM-BRIDGE, OHIO, AND DECATUR, ILL.

#### APPLICATION FOR RELIEF

SEPTEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads.

From: Kings Mill, Bishop, Brownsville, Houston, and Texas City, Tex., and Crossett, Ark.

To: Barberton and Cambridge, Ohio, and Decatur, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates; F.C. Kratzmeir, Agent, I.C. C. No. 3967, supp. 263; F.C. Kratzmeir, Agent, I.C. C. No. 3908, supp. 155.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days fram the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-9127; Filed, Sept. 21, 1953; 8:47 a. m.]

[4th Sec. Application 28465]

IMPORT RATES ON JUTE BUTTS AND CUT-TINGS FROM GULF AND SOUTH ATLANTIC PORTS TO FLIRIT, MICH.

#### APPLICATION FOR RELIEF

SEPTEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. M. Engdahl and L. C. Schuldt, Agents, for carriers parties to schedule listed below.

Commodities involved: Jute butts and cuttings.

From: Gulf and south Atlantic ports. To: Flint, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to maintain port rate relations.

Schedules filed containing proposed rates; H. M. Engdahl, Agent, tariff I. C. C. No. 114, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application with-out further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Acting Secretary.

[P. R. Doc. 53-8128; Filed, Sept 21, 1953; 8:48 a. m.]

[4th Sec. Application 28467]

Logs of Foreign Woods From New Orleans, La., to Memphis, Tenn.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Logs of foreign woods, carloads.

From: New Orleans, La.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Com-

mission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Acting Secretary.

[F. R. Doc. 53-8129; Filed, Sept. 21, 1953; 8:48 a. m.]

[4th Sec. Application 28468]

VARIOUS COMMODITIES FROM THE SOUTH TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities.

Between: Points in southern territory and from southern territory to official territory.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Acting Secretary.

.[F. R. Doc. 53-8130; Filed, Sept. 21, 1953; 8:48 a. m.]